

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CHARLES L. JARVIS, JR.
by MINNIE JARVIS,

Plaintiffs,

v.

Civil Action No. 2:07-0569

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER

This action, filed September 13, 2007, was previously referred to Mary E. Stanley, United States Magistrate Judge, who submitted her Proposed Findings and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

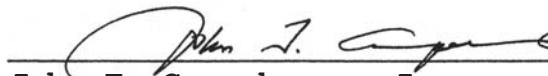
The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on February 23, 2009. The magistrate judge recommends that the court reverse the final decision of the Social Security Commissioner and remand this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). The defendant has not objected to the Proposed Findings and Recommendation. The court concludes that the recommended disposition is correct.

It is accordingly ORDERED that:

1. The Proposed Findings and Recommendation be, and they hereby are, adopted by the court;
2. The case be, and it hereby is, remanded for further proceedings consistent with the Proposed Findings and Recommendation;
3. The action be, and it hereby is, dismissed and stricken from the court's docket.

The Clerk is directed to forward copies of this order to all counsel of record.

DATED: March 20, 2009



John T. Copenhaver, Jr.
United States District Judge